

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Patent Application

Inventor: Doree Duncan Seligmann

Serial No.: 10/816511

Conf. No.: 8627

Filing Date: 4/1/2004

Art Unit: 2617

Examiner: Sharad Rampuria

Docket No.: 630-067US

Title: Location-Based Command Execution for Mobile Telecommunications Terminals

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

Respectfully,
Doree Duncan Seligmann

By /David M. Lazoff/
David M. Lazoff
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Dear Sir:

PRE-APPEAL BRIEF REMARKS

Claims 1-3, 6, 8, 9, 14-22, 36-44, and 64-75 are pending, have been finally rejected, and are being appealed.

Independent claims 1, 14, 36, 64, and 71 were rejected under 35 U.S.C. 102(e) as being anticipated by W. G. Phillips, U.S. Patent 6,748,195 (hereinafter "Phillips").

The applicants respectfully submit that the remarks filed on 21 July 2008 distinguishing the claims from the cited references are correct and that the Final Rejection is incorrect.

The applicants' arguments are summarized here for the reader's convenience.

35 U.S.C. 102 Rejection of Independent Claims 1, 14, 36, 64, and 71

Independent claim 1 recites:

<p>1. A method comprising:</p> <p>receiving at a mobile telecommunications terminal a command that reads the value of a datum; and</p> <p>determining whether to execute said command based on <u>the geo-location of said mobile telecommunications terminal and on said value.</u></p> <p><i>(emphasis supplied)</i></p>

Nowhere does Phillips teach or suggest, alone or in combination with the other references, what claim 1 recites – namely receiving at a mobile terminal a command to read the value of a datum (e.g., John Smith's account balance, *etc.*), and determining whether to execute the command based on the terminal's geo-location and on the datum's value. The present invention as recited in claim 1 is advantageous in that it can be used, for example, to implement the following behavior:

- allow a user to access John Smith's account balance from his or her mobile terminal when the terminal is located inside the bank's central branch;
- allow a user to access John Smith's account balance from his or her mobile terminal when the terminal is located inside one of the bank's satellite branches and the account balance is less than ten million dollars;
- prevent a user from accessing John Smith's account balance from his or her mobile terminal when the terminal is located inside one of the bank's satellite branches and the account balance is ten million dollars or more;
- allow a user to access John Smith's account balance from his or her mobile terminal when the terminal is not located inside any of the bank's branches and the account balance is less than five thousand dollars;
- prevent a user from accessing John Smith's account balance from his or her mobile terminal when the terminal is not located inside any of the bank's branches and the account balance is five thousand dollars or more.

While Phillips does teach a terminal whose behavior is dependent on geo-location, Phillips mentions nothing about commands for reading a datum, let alone determining whether to execute such a command based on the datum's value.

For this reason, the applicant respectfully submits that the rejection of claim 1 is traversed.

Independent claim 14 recites:

14. A method comprising:

receiving at a mobile telecommunications terminal a request to access content; and

determining a version of said content to access based on the geo-location of said mobile telecommunications terminal.

(emphasis supplied)

Nowhere does Phillips teach or suggest, alone or in combination with the other references, what claim 14 recites – namely receiving a request from a mobile terminal to

access content, and determining what version of the content to transmit to the terminal based on the terminal's geo-location. The present invention is advantageous in that it can be used, for example, to provide a user with an edited version of a video clip when the user is in a church, and an unedited version of the video clip when the user is at home. Phillips, in contrast, does not mention anything about versions of content anywhere in the patent, including the passages cited by the Office.

For this reason, the applicant respectfully submits that the rejection of claim 14 is traversed.

Independent claim 36 recites:

36. A method comprising:
transmitting from a mobile telecommunications terminal a request to access remote content; and
receiving at said mobile telecommunications terminal a version of said remote content that is based on the geo-location of said mobile telecommunications terminal.
(emphasis supplied)

For the same reason as for claim 14, the applicant respectfully submits that the rejection of claim 36 is traversed.

Independent claim 64 recites:

64. A method comprising:
receiving at a mobile telecommunications terminal a command that updates the value of a datum; and
determining whether to execute said command based on the geo-location of said mobile telecommunications terminal and on said value prior to updating.
(emphasis supplied)

For the same reason as for claim 1, the applicant respectfully submits that the rejection of claim 64 is traversed.

Independent claim 71 recites:

71. A method comprising:
receiving at a mobile telecommunications terminal a command that reads the value of a datum; and
determining whether to execute said command based on the geo-location of said mobile telecommunications terminal and on the geo-location at which said value is stored.

(emphasis supplied)

Nowhere does Phillips teach or suggest, alone or in combination with the other references, what claim 71 recites – namely receiving at a mobile terminal a command to read the value of a datum, and determining whether to execute the command based on the terminal's geo-location and on the geo-location at which the datum's value is stored. The present invention is advantageous in that it could be used, for example, to allow an employee at the San Francisco branch of XYZ Corp. to perform a query that relies on data stored at the XYZ consumer division branch in New York (e.g., a query for reporting the average size of all consumer division contracts, etc.), but to prevent the user from performing a query that relies on data stored at the XYZ defense systems division in Virginia (e.g., a query for reporting the average size of all contracts of XYZ corp., etc.). Phillips, in contrast, mentions nothing about the geo-location at which data is stored, and the applicant respectfully notes that the Office does not even appear to assert as much in its Final Rejection.

For these reasons, the applicant respectfully submits that the rejection of claim 71 is traversed.

If the Office has any questions, please feel free to call the applicants' attorney at 732-687-7427.

Respectfully,
Doree Duncan Seligmann

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